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The American City: A Problem in Democracy. By Delos F. Wilcox, Ph.D. New York: The Macmillan Company, 1904. — vii, 423 pp.

Local Government in Scotland. By Mabel Atkinson, M.A. William Blackwood & Sons, Edinburgh and London, 1904. — x, 441 pp.

Handbook of the Law of Public Corporations. By Henry H. Ingersoll, LL.D. Dean of the University of Tennessee School of Law. St. Paul, Minn., West Publishing Company, 1904. — xvii, 738 pp.

Proceedings of the Chicago Conference for Good City Government and the Tenth Annual Meeting of the National Municipal League. Clinton Rogers Woodruff, Editor. Philadelphia, National Municipal League, 1904. — vi, 416 pp.

The books whose titles are set forth above, while all devoted to the important subject of local government, are so different in purpose and character each from the others as to indicate at once the extent of this field of political activity, and to impress upon the student of it the difficulty and complexity of the task which he has undertaken.

Dr. Wilcox's *American City* is, as its title indicates, written on the assumption that the municipal problem, in the United States at any rate, is "a problem in democracy." He conceives of no other solution of the problem of governing properly large masses of people in small areas than through the widest possible participation of the city population in the work of government. At the same time he exhibits what in some instances appears to be an unreasonable abhorrence of city life and its almost inevitable incidents, and arrays himself in that class, whose members were probably more numerous formerly than now, who regard the city as an evil albeit a necessary one. Conditions so unfavorable to character as are, in his view, those of urban life would of course naturally result in the development of a political population in which the establishment of democratic institutions, sufficiently stable to resist the tendency toward ochlocracy, would be almost impossible. If Dr. Wilcox left the subject here he might naturally be accused of inconsistency, if not of something worse, but he is not unwilling to gird himself for the next logical step, which is little short of the attempt to reform our poor human nature. *The American City* is, in large part, an effort to point out how by voluntary effort and by social coöperation through governmental agency certain of the fundamental characteristics of modern industrial individualism may be changed, so as to produce a more favorable environment for the development of that democratic city government which the author sees, somewhat as a vision, in the far distant future.

But while a good part of Dr. Wilcox's book cannot be regarded as of great value from the point of view of the needs of the present and immediate future, it must not be supposed that it is devoid of practical use. *The American City* contains a vast deal of information as to details of city government in the United States, and shows that the author has been at great pains to acquaint himself with the various devices to which American cities have had recourse in order to perform in a satisfactory manner the functions which have devolved upon them.

Dr. Wilcox, it may be said in conclusion, has a mind which is rather sociological than legal in character. He sees everything almost exclusively from the point of view of the needs of the population gathered together in our urban centers, and he therefore regards as a part of his subject many matters with which the city corporation as a political entity has little if anything to do. His tendency furthermore is to dwell upon the evils of existing conditions and to suggest for their remedy a greater activity on the part of politically organized municipal society. Finally, Dr. Wilcox's emphasis of the functional side of his subject results in somewhat scant treatment of the institutional aspect of the municipal problem. This is treated almost as an incident as compared with the functional side of the subject. The result is that one rises from a perusal of his book with rather hazy ideas as to how the American city is governed. This characterization of his work is made, however, rather by way of description than of criticism. For since the tendency of most American writers on city government is to emphasize the problem of organization almost to the exclusion of that of function, a full description of the functions of American cities is valuable. It calls attention to the fact that the problem of municipal organization is solved only in so far as its solution secures the satisfactory discharge of those functions which the existence of a comparatively congested population has imposed upon our cities.

To the local sociologist *Local Government in Scotland* will perhaps be less interesting than *The American City;* to the student of local institutions, ho ever, it is much more satisfactory. It is an attempt to treat from both the historical and the legal points of view a subject which up to the present time has hardly been treated at all. The author modestly refers in her preface to her book "as an introduction for the student to a field hitherto curiously neglected" and expressly disclaims any pretentions to the production of an exhaustive treatise. While it may be true that *Local Government in Scotland* would not be of great value to the practising lawyer, it is none the less true that Miss Atkinson has given the student of administration a most careful, thorough and interesting book on the subject which she has chosen.

As to the value of this subject to the American reader, one may have some doubts. The state of things in Scotland, largely because of the ecclesiastical conditions existing there, has been so peculiar that almost the only lesson to be derived from a consideration of the historical development of its local governmental system is the unwisdom of doing in the future what has been done in the past. Furthermore, the influence of English example has been so strong that Scotch local government can, in its broad lines at any rate, be regarded as little more than a Scotch variation of English institutions. The same development of what Miss Atkinson terms *ad hoc* bodies, with resulting multiplication of authorities, the same tendency towards a transfer of functions from smaller to larger administrative areas, and the same attempt to put new life into the smallest unit, the parish, which are characteristic of recent English administrative development, are noticeable in North Britain; and the same tendency is to be remarked towards the establishment of central administrative control.

What has just been said is particularly true, however, of rural local government. When we consider Miss Atkinson's treatment of the municipal development of Scotland, the value of her work to the American student naturally increases, for the problems of municipal government are everywhere much the same. One of the things to which Miss Atkinson calls attention, in connection with her treatment of city government, is the development of a permanent professional municipal civil service, whose existence is due not so much to general laws (as is the case in the United States) as to the growth of a sound public opinion. Public judgment, as shown in the actions of the municipal authorities, insists on choosing the technical subordinate officers of municipal corporations on their merits, considered from the point of view of the duties they are to discharge, and refuses to confine the selection of such officers to the inhabitants of the city which they serve. This point, while not a new one, since it has been brought to the attention of the American reading public by Dr. Albert Shaw's interesting work on *Municipal Government in Great Britain* is one whose importance for the good conduct of city government cannot be overestimated. For it is to this habit of mind in the people and their representatives rather than to the form of government possessed by the Scotch cities that the excellence of their administration is due.

Another point which Miss Atkinson makes, and this would appear to be a novel one, is that, notwithstanding the legal concentration of almost all governmental power in the hands of a city council, the government of Scotch cities is as a matter of fact in some cases almost as little concentrated as it is in the United States under the board system of city government. This lack of concentration is due to the jealousy exhibited by the various council committees, each one of which has by custom secured the practically uncontrolled management of one of the various branches of city government. Attention is called to the behavior of the council committees of the city of Glasgow, where the police side of the city prosecuted the municipal tramway conductors for permitting the overcrowding of the municipal tramcars. "The public," our author says, "was a little bewildered by this proceeding, as it seemed not unlike the dilemma of the lord chancellor in *Iolanthe*, when he wondered if he could consent to his own marriage with his own ward." This episode would seem to show, as so many of our experiences in city government have already shown, that efficient city government is not assured by any device of organization.

Attention should be called further to the opening chapters of Miss Atkinson's work, which are devoted to the attempt to ascertain what is local government. These chapters, and particularly chapter ii, are of the greatest value to one who is interested in obtaining a scientific dictinction between central and local government.

While the books which have thus far been considered have been almost exclusively devoted to the social and political sides of city life, Dr. Ingersoll's book on *The Law of Public Corporations* is given up almost exclusively to the legal side of the subject. The only exception is the inclusion among public corporations of such private corporations — *e. g.* railroad, street railway, telephone and telegraph companies—as by the law are regarded as discharging public functions. The reason for the inclusion of this class of corporations is to be found probably in the fact that the relations of the purely public corporations with such bodies are often extremely close. Dr. Ingersoll's book, which is one of the "Hornbook Series," is confessedly somewhat elementary in character, and it is doubtful whether the place it aims to fill was not reasonably full before its publication. It is altogether too elementary in character to take the place of Judge Dillon's monumental work. It is not sufficiently different in character to claim a place beside Dr. Elliott's book, nor is it so superior in execution as to supplant that excellent little work.

The reason for its publication is probably to be found in the fact that hitherto there was no book on this most important subject in the series in which it figures.

As the "Hornbook Series" is based on the deductive rather than the inductive method, Dr. Ingersoll's book formulates principles, easy of comprehension and brief enough to be committed to memory, and adds explanations and qualifications which are substantiated by references to reported decisions. The effort at brevity which such a plan requires has sometimes resulted in an unfortunate, if not a misleading, statement of the law. Thus in the chapter devoted to "The Charter," the general rule as to the powers possessed by a municipal corporation is stated as follows:

> The municipality possesses no other powers than
> (a) Those expressly enumerated in the charter;
> (b) Such as are necessary for their appropriate use and execution;
> (c) Such as are inherent in every municipal corporation.

Such a statement of principle is unfortunate because it does not give even an indefinite idea of the rules of law which it presumably attempts to include; and it is misleading in that it conveys to the student the idea that there are important powers inherent in a municipal corporation—an idea which the better rule of law does not recognize. It would have been much better to restate the famous formulation of the rule as to municipal powers made by Judge Dillon. Again, it is said, in the attempt to distinguish employees from officers, that "a municipal employé is one engaged in the service of the municipality." This statement is equally true of an officer, and it gives to the student not even the glimmering of an idea as to the real distinction between officer and employee.

In some instances the statement of principle, while formulated clearly, is absolutely incorrect, or embodies what is generally regarded in the United States as legal heresy. Thus on page 199 it is said that "in the absence of constitutional inhibition, the legislature . . . cannot interfere with those officers who perform functions of a distinctly municipal character." Perhaps this ought to be the law, but as a matter of fact it is not the law. It is only fair to the author to say that he qualifies this statement somewhat in the main body of the text. But it is to be noticed that in a good number of the cases cited in support of his rule the decision rests on the existence of a constitutional inhibition on the power of the legislature, and that these cases are cited as if the courts were uninfluenced in their decision by such special inhibitions.

Of course it is not to be understood that all the author's statements of principle are open to the above criticisms; but it should be noted that attention has not been called to all the statements which are so open. It is to be regretted extremely that a book which will naturally be used much more by students than by the legal profession contains so many inaccurate or misleading statements. The instructor who adopts the book as a text will have to be continually on his guard, if he hopes to have his students leave the class-room with correct ideas as to what the law is.

The Proceedings of the Chicago Conference for Good City Government are, like the former volumes of the proceedings of the National Municipal League, composed of a record of the work for good city government, from the pen of the editor, Mr. Woodruff, and of a series of papers and addresses. Some of the papers deal with the general subject of municipal reform, viewed in the light of the experiences of particular cities; others treat of the particular reform to which the league for the past few years has been devoting its energies, *viz.* proper municipal accounting. Valuable papers on this special subject are contributed by Dr. E. M. Hartwell and Mr. Harry S. Chase of Boston, Dr. Cleveland of New York and Dr. Powers of the United States census bureau. Other matters to which the attention of the league was directed during the past year are nomination reform—on which subject are published papers by the late Charles B. Spahr, Mr. Horace E. Deming and Mr. Geo. W. Guthrie—and the teaching of municipal government in the public schools.

The Chicago conference whose proceedings are here given to the public is particularly interesting as marking the completion of the tenth year of the existence of the National Municipal League. During the first decade of its existence it has accomplished work of great importance. It has not only collected information on the conditions of city government in the United States which has been of the greatest value to students of the subject; it has also exerted a direct influence upon public opinion. It is doubtful if there is any association in the country which has been more successful in fulfilling the purposes of its foundation. It is a source of great pleasure to those interested in its work to learn from this volume that the league is showing the same energy which has characterized it from its foundation in grappling with the problems which to those responsible for its management have seemed of the greatest importance.

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